

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

SCOTT SURFACE,

Plaintiff

v.

**ELI LILY CO., INC.,
DR. JOSEPH SPALDING, DR.
ANDREW RESNICK, DR. JOHN
CLEMENTS, and DR. RICHARD K.
BOWERS,**

Defendants

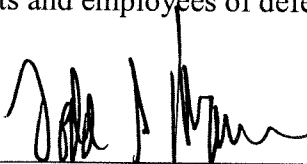
Cause No. 2:05-4341-CV-C-WAK

State Court Case No. 05BA-CV033647

AFFIDAVIT OF PLAINTIFF'S ATTORNEY

COMES NOW, Todd S. Hageman, attorney for plaintiff herein, and, being duly sworn upon his oath, states:

1. He is the attorney for the plaintiff in this cause.
2. Plaintiff's attorney obtained a written opinion from a board certified physician stating that the care Scott Surface received by Dr. John Clemens was below the standard of care for a reasonably trained and competent physician and that such negligence was the cause of the injuries complained of in the petition.
3. The health care provider providing said written opinion is a medical doctor who is board certified in medicine and who is familiar with the medical records and reports relating to the care of Scott Surface rendered by the agents and employees of defendant Dr. John Clemens.



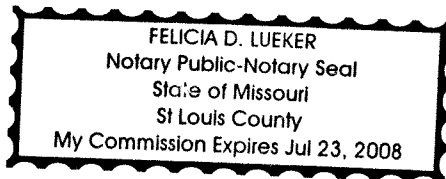
Todd S. Hageman

State of Missouri)
)
City of St. Louis)

Subscribed and sworn to before me this 22 day of November, 2005.


Notary Public

My Commission Expires:



Simon Passanante, P.C.

By: 

Todd S. Hageman ~~#51801~~ 44770
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Attorney for Plaintiff

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the forgoing was sent via electronic mail on the 22 day of November, 2005 to the following:

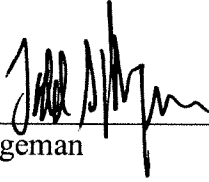
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